

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 22, 2004

IN RE:

**PETITION OF UNITED WAY OF METROPOLITAN
NASHVILLE FOR ALLOCATION OF AN N11
NUMBER (ABBREVIATED DIALING CODE)**

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**DOCKET NO.
04-00058**

**ORDER APPROVING PETITION FOR ALLOCATION OF
N11 NUMBER (211) TO UNITED WAY OF METROPOLITAN NASHVILLE**

This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on April 26, 2004, to consider the Petition filed by the United Way of Metropolitan Nashville (the "Applicant" or "United Way") seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Maury County.

Background

On July 21, 2003, the Authority approved a United Way Petition filed on June 5, 2003 in Docket No. 03-00383 for assignment of a N11 Code in order to provide information and referral services to the citizens of Middle Tennessee.¹ In that docket, the Applicant, a duly qualified and authorized Tennessee non-profit corporation, was granted the allocation of a 211 abbreviated dialing code to serve Cannon, Cheatam, Davidson, Dickson, Roberson, Rutherford, Sumner, Trousdale, Wilson, and Williamson Counties by providing free community information and referral guidance to

¹ See *In Re: Petition Of United Way Of Metropolitan Nashville For Allocation Of An N11 Number (Abbreviated Dialing Code)*, Docket No 03-00383, *Order Approving Reallocation of N11 Number (211) From National Telephone Enterprises To United Way Of Metropolitan Nashville*, p. 10 (February 23, 2004)

people in need of social services and other assistance from a centralized source. The Applicant filed the Petition in this docket on February 20, 2004, seeking allocation of the 211 abbreviated dialing code to serve Maury County.

FCC's Third Report and Order

On July 31, 2000, the Federal Communications Commission ("FCC") released its *Third Report and Order and Order on Reconsideration* in CC Docket No. 92-105 ("*Third Report and Order*") in which the FCC granted a petition filed by information and referral service providers seeking nationwide assignment of an abbreviated dialing code.² In assigning the abbreviated dialing code 211 for access to community information and referral services, the FCC found that the proposal submitted by the petitioners met the "public interest" standards for assignment of N11 codes which the FCC established in its *N11 First Report and Order*.³ The FCC specifically found in the *Third Report and Order*:

Individuals facing serious threats to life, health, and mental well being have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance. We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met.⁴

The FCC then outlined the necessary steps that must be taken by telecommunications service providers upon receiving a 211 request.

[W]hen a provider of telecommunications services receives a request from an entity (e.g., the United Way) to use 211 for access to community information and referral

² "Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, 'N11' codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1." (Quoting from *In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, (July 31, 2000) (*Third Report and Order and Order on Reconsideration*) (hereinafter *Third Report and Order*).

³ *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5572, CC Docket No. 92-105 (1997).

⁴ *Third Report and Order*, at Paras. 18-19.

services, the telecommunications provider must: (1) ensure that any entities that were using 211 at the local level prior to the effective date of this Order relinquish use of the code for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the requesting entity in its service area. . . . We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource.⁵

The *Third Report and Order* also provides that the FCC, not the North American Numbering Plan Administration ("NANPA") or another entity, will continue to designate and assign N11 codes for nationwide use. Nevertheless, the FCC explicitly stated that local assignments could be made by the state commissions.

Once we assign or designate an N11 for national use, essentially all that remains to do is to implement that assignment and monitor the uses of the N11 codes. We do not at this time decide what role, if any, state commissions may play once we make a national assignment. That role will necessarily be determined on a case by case basis as we make national assignments. We clarify, however, that states will be allowed to continue to make local assignments that do not conflict with our national assignments⁶

TPSC's 1993 Interim Order

Prior to the issuance of the FCC's *Third Report and Order*, the Authority reviewed requests for the allocation of N11 numbers pursuant to criteria set forth in the Interim Order issued on October 20, 1993, by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order"), to determine the most qualified applicant for allocation of each N11 number in each local calling area.⁷ The criteria in the TPSC Order included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a

⁵ *Id.*, at Para. 21

⁶ *Id.*, at Para. 43. The FCC described the assignment designation and implementation process as follows
Assignment or designation involves announcement to the industry that a particular N11 code will be used for certain, defined purpose(s). This announcement alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. Implementation, on the other hand, may involve, in addition to discontinuing nonconforming uses, preparing and modifying switches to translate the N11 code and route the call accordingly, installing additional switching equipment, and installing or modifying software or other hardware. (Para 43, n 123)

⁷ See TRA Docket No. 98-00554, *Order Granting Allocation of N11 Abbreviated Dialing Code* (June 22, 1999) and TRA Docket No. 99-00743, *Order Approving Reallocation of N11 Number (211) to Knoxville Information and Referral, Inc. and Allocating N11 Number (511) to National Telephone Enterprises* (July 14, 2000)

permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.⁸

Findings and Conclusions

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 211 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments.⁹ Accordingly, the Authority, finds that the Applicant satisfies the criteria in the following manner:

1. Overall financial fitness, both historical and future: The Applicant provided financial information showing that allocations from public funds, grants, and contributions together with other resources totaled over twenty-three million dollars for the last fiscal year, 2003. The United Way submits that it has unrestricted net assets in excess of nine hundred thousand dollars and more than four million dollars in endowment funds.

2. Overall technical ability and willingness to provide service on a permanent and continuous basis: The Applicant intends to include Maury County in the providing of 211 information and referral services on a permanent and continuous basis without any costs in the service area. The Applicant intends to utilize The Family Center and other call centers to be

⁸ *In Re Investigation of N11 Allocations*, TPSC Interim Order, Docket No 92-13892, pp 4-5 (Oct. 20, 1993).

⁹ This finding is consistent with the Authority's finding in TRA Docket No 02-00126, *Order Approving Allocation of N11 Number (211) to Contact Ministries, Inc.*, (issued May 13, 2002), TRA Docket No 02-00127, *Order Approving Allocation of N11 Number (211) to Contact-Concern of Northeast Tennessee, Inc.* (issued June 10, 2002) and TRA Docket No 03-00383, *Order Approving Reallocation of N11 Number (211) from National Telephone Enterprises to United Way of Metropolitan Nashville* (issued February 23, 2004)

responsible for answering certain calls which will be routed and connected by the United Way frame relay network.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** The Applicant has provided a statement that it will follow the Authority's rules and policies.

4. **The rates, services and collection practices to be utilized by the service provider in providing N11 service:** The Applicant states that it intends to pay all charges incurred in connection with the assignment, utilization and ongoing operations of the 211 abbreviated dialing code. With the exception of any end user charges generated by dialing the 211 information and referral service from a cellular wireless telephone.

5. **The extent and duration of the applicant's service to the local community:** Since 1954, the Applicant has provided community service in the metropolitan Nashville area and also worked with social service providers in Middle Tennessee. The Applicant provides that support of a 211 service for Middle Tennessee residents is in line with the mission and policy of the organization.

6. **Anticipated future uses by the community of the proposed service being offered by the Applicant:** The Applicant anticipates that the availability of a uniform telephone access number for community information and social services would significantly reduce potential confusion and frustration regarding services available in the metropolitan Nashville area. The likelihood of directing people in need of assistance to those specific services that would be most appropriate and responsive is increased. The Applicant expects between 50,000 and 65,000 calls during the first year of operation.

7. **The type of information services to be provided over N11 and its relative value to the public and local community:** Through access to the 211 abbreviated dialing code, the Applicant will serve the population of Maury County by providing free services about community

organizations and guidance to individuals seeking social services and other assistance from available programs. The Applicant anticipates that the use of an abbreviated dialing code, such as, the 211 code, will reduce confusion among citizens of the proposed coverage area concerning the availability of social services. The citizens who are in need of social or community services will have access to an increased number of social services that can be made available on a more uniform basis.


Based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC's *Third Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors voted unanimously to approve allocation of the 211 abbreviated dialing code to Maury County.

IT IS THEREFORE ORDERED THAT:

The Petition filed by the United Way of Metropolitan Nashville seeking the allocation of the 211 abbreviated dialing code to provide Information and Referral services to Maury County is approved.


Deborah Taylor Tate, Chairman


Sara Kyle, Director


Ron Jones, Director